

AMENDED IN SENATE AUGUST 19, 2008

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CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 3073**

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**Introduced by Committee on Governmental Organization (Torrico  
(Chair), Charles Calderon, Davis, De Leon, Evans, Jeffries,  
Levine, Mendoza, Portantino, Price, Soto, and Tran)**

March 13, 2008

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An act to amend ~~Section 19549~~ *Sections 19406 and 19568* of the Business and Professions Code, to amend ~~Section 4058 of the Food and Agricultural Code~~, and to amend Section 337f of the Penal Code, relating to horse racing.

### LEGISLATIVE COUNSEL'S DIGEST

AB 3073, as amended, Committee on Governmental Organization. Horse racing.

Existing law provides that the jurisdiction and supervision over meetings in this state where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the California Horse Racing Board. ~~This jurisdiction includes the authority to allocate racing days and weeks to racing associations and fairs, as provided. Existing law permits the board to allocate up to 14 racing days to a fair each year, with specified exceptions, and provides that these 14 days shall be during the period in which general fair activities are conducted.~~

~~This bill would delete the requirement that the racing days be during the period in which general fair activities are conducted. The bill would also make conforming changes.~~

*Existing law provides for special races for California-bred horses, with minimum purse money allocated to those races. Existing law defines a “California-bred horse” for that purpose.*

*This bill would require California-sired horses to be included within the special races designated for California-bred horses, as specified. This bill would define a “California-sired horse” for that purpose.*

Existing law makes it an offense for any person to influence, induce, or conspire with any owner, jockey, groom, or other person associated with or interested in any stable, horse, or race in which a horse participates, to affect the result of that race, as specified.

This bill would add trainers to the list of parties whom a person may not influence, induce, or conspire with to affect race results.

Existing law forbids, among other things, the administration of drugs to a horse to affect race results, but exempts from the definition of drugs for this purpose recognized vitamins or supplemental feeds approved by the veterinarian representing the California Horse Racing Board.

This bill would instead exempt recognized vitamins or supplemental feeds approved by or in compliance with the rules and regulations of the board. The bill would make other technical and nonsubstantive changes to these provisions.

By expanding the scope of an existing offense, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     **SECTION 1. Section 19406 of the Business and Professions**  
2     **Code is amended to read:**

3     19406. (a) A “California-bred horse” is a foal dropped by a  
4     mare in California after being conceived in California and  
5     remaining in California until the foal is weaned.

6     (b) A “California-bred thoroughbred” is a horse dropped by a  
7     mare in California after being conceived in California, or any  
8     thoroughbred horse dropped by a mare in California if the mare

1 remains in California to be next bred to a thoroughbred stallion  
2 standing in California. If the mare cannot be bred for two  
3 successive breeding seasons but remains in California during that  
4 period, her foal shall be considered to be a California-bred  
5 thoroughbred.

6 (c) A “California-bred quarter horse” is a quarter horse foal  
7 conceived in California by a stallion standing in California at the  
8 time of conception.

9 (d) A “California-bred standardbred horse” is a standardbred  
10 foal conceived in California by a stallion registered with the  
11 California Standardbred Sires Stakes Program.

12 (e) A “California-bred Appaloosa horse” is a horse dropped by  
13 a mare in California after being conceived in California, or any  
14 Appaloosa horse dropped by a mare in California if the mare  
15 remains in California to be next bred to an Appaloosa stallion  
16 standing in California. If the mare cannot be bred for two  
17 successive breeding seasons but remains in California during that  
18 period, her foal shall be considered to be a California-bred  
19 Appaloosa horse.

20 (f) A “California-bred paint horse” is a registered paint horse  
21 foal conceived in California by a stallion standing in California at  
22 the time of the conception, or by a registered paint horse stallion.

23 (g) *A “California-sired horse” is a thoroughbred that was*  
24 *conceived in California by a registered California stallion. A*  
25 *California-sired horse is only eligible for entry in races restricted*  
26 *to California-bred or California-sired horses and is not eligible*  
27 *for any breeder or owner awards.*

28 SEC. 2. *Section 19568 of the Business and Professions Code*  
29 *is amended to read:*

30 19568. (a) Every licensee conducting a horse racing meeting  
31 shall, each racing day, provide for the running of at least one race  
32 limited to California-bred horses *and California-sired horses*, to  
33 be known as the “California-bred race.” If, however, sufficient  
34 competition cannot be had among horses of that class on any day,  
35 the race, with the consent of the board, may be eliminated for that  
36 day and a substitute race provided.

37 (b) For thoroughbred and quarter horse racing only, the total  
38 amount distributed to horsemen and horsewomen for  
39 California-bred *and California-sired* stakes races, and for races  
40 featuring California-breds upon the approval of the official

1 registering agency, from the purse account, including overnight  
2 stakes, shall be not less than 10 percent of the total amount  
3 distributed for all stakes races from the purse account, including  
4 overnight stakes races, at that meeting of the racing association  
5 licensed to conduct live racing.

6 (c) It is the intent of the Legislature that the thoroughbred racing  
7 associations in this state, in conjunction with the official registering  
8 agency, and owners and trainers organizations meet and report to  
9 the board on the establishment of a coordinated California-bred  
10 restricted schedule of stakes races designed to showcase  
11 California-bred restricted stakes races and qualify registered  
12 California-bred horses for the California Cup and the California  
13 Cup Day races. It is also the intent of the Legislature that the report  
14 be submitted to the board annually at least 60 days prior to the  
15 start of the racing year.

16 ~~SECTION 1. Section 19549 of the Business and Professions~~  
17 ~~Code is amended to read:~~

18 ~~19549. Except as provided in Section 19549.1, the maximum~~  
19 ~~number of racing days that may be allocated to a fair shall be 14~~  
20 ~~days each year. However, any fair racing association that conducted~~  
21 ~~racing in the central or southern zone prior to January 1, 1980,~~  
22 ~~shall be entitled to be allocated up to three weeks of racing. The~~  
23 ~~board shall take public testimony and make all determinations on~~  
24 ~~the allocation of racing dates during a public hearing. All~~  
25 ~~discussions of allocating racing dates by the board or its~~  
26 ~~subcommittees shall be conducted during a public hearing. Nothing~~  
27 ~~in this section diminishes the authority of the board to establish~~  
28 ~~racing dates.~~

29 ~~SEC. 2. Section 4058 of the Food and Agricultural Code is~~  
30 ~~amended to read:~~

31 ~~4058. (a) Notwithstanding Section 4052, the California~~  
32 ~~Exposition and State Fair, a district agricultural association fair,~~  
33 ~~or county fair in the northern zone, with the approval of the~~  
34 ~~Department of Food and Agriculture, may form an entity for~~  
35 ~~conducting combined fair horse racing meetings and utilize their~~  
36 ~~racing facilities for conducting horse racing meetings, with~~  
37 ~~parimutuel wagering, on days other than the days on which general~~  
38 ~~fair activities are conducted.~~

39 ~~(b) The association shall designate certain days of a mixed breed~~  
40 ~~meeting held pursuant to this section as charity days with the~~

1 ~~proceeds therefrom to be distributed in accordance with Sections~~  
2 ~~19550 and 19556 of the Business and Professions Code.~~

3 ~~(e) The association shall encourage the racing of emerging~~  
4 ~~breeds of horses.~~

5 SEC. 3. Section 337f of the Penal Code is amended to read:

6 337f. (a) Any person who does any of the following is  
7 punishable by a fine not exceeding five thousand dollars (\$5,000),  
8 or by imprisonment in the state prison or in a county jail not  
9 exceeding one year, or by both that fine and imprisonment:

10 (1) Influences, or induces, or conspires with, any owner, trainer,  
11 jockey, groom, or other person associated with or interested in any  
12 stable, horse, or race in which a horse participates, to affect the  
13 result of that race by stimulating or depressing a horse through the  
14 administration of any drug to that horse, or by the use of any  
15 electrical device or any electrical equipment or by any mechanical  
16 or other device not generally accepted as regulation racing  
17 equipment, or so stimulates or depresses a horse.

18 (2) Knowingly enters any horse in any race within a period of  
19 24 hours after any drug has been administered to that horse for the  
20 purpose of increasing or retarding the speed of that horse.

21 (3) Willfully or unjustifiably enters or races any horse in any  
22 running or trotting race under any name or designation other than  
23 the name or designation assigned to that horse by and registered  
24 with the Jockey Club or the United States Trotting Association or  
25 willfully sets on foot, instigates, engages in or in any way furthers  
26 any act by which any horse is entered or raced in any running or  
27 trotting race under any name or designation other than the name  
28 or designation duly assigned by and registered with the Jockey  
29 Club or the United States Trotting Association.

30 (b) For purposes of this section, the term “drug” includes all  
31 substances recognized as having the power of stimulating or  
32 depressing the central nervous system, respiration, or blood  
33 pressure of an animal, such as narcotics, hypnotics, benzedrine or  
34 its derivatives, but shall not include recognized vitamins or  
35 supplemental feeds approved by or in compliance with the rules  
36 and regulations or policies of the California Horse Racing Board.

37 SEC. 4. No reimbursement is required by this act pursuant to  
38 Section 6 of Article XIII B of the California Constitution because  
39 the only costs that may be incurred by a local agency or school  
40 district will be incurred because this act creates a new crime or

1   infraction, eliminates a crime or infraction, or changes the penalty  
2   for a crime or infraction, within the meaning of Section 17556 of  
3   the Government Code, or changes the definition of a crime within  
4   the meaning of Section 6 of Article XIII B of the California  
5   Constitution.

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